

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

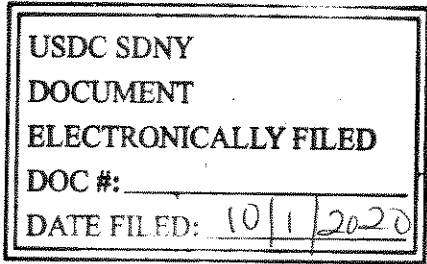
20Cr0179 (DLC)

-v-

ORDER

PRINCE UKO, JACOB SAGIAO, MARYLYNN
PENEUETA, BRITT JACKSON, JOSHUA FITTEN,
DONTAE COTTRELL, ARINZE OBIKA, NDUKWE
ANYAOGU, HERMAN BASS, DAVID URO,
VICTOR AHAIWE, SUNDAY OKORO, COLLINS
ENEH, and IKECHUKWU ELENDU,

Defendants.



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DENISE COTE, District Judge:

On September 25, the defendants jointly requested an adjournment of the March 1, 2021 trial to June 2021. That application is granted.

Ten defendants charged in the original indictment in this case were arraigned on May 8, 2020. At the conference, a trial date was set for March 1, 2021. Two defendants were later arrested on a superseding indictment and arraigned on September 14 and 16. In an Order of September 17, the two newly arraigned defendants were ordered to advise the Court by September 25 of any objection they had to the March 1, 2021 trial date.

On September 25, all defendants jointly requested an adjournment of the trial to June 2021 due to the volume of discovery, their difficulties in accessing and reviewing it, and the obstacles that exist in consulting with at least some of the

defendants who live in other states and do not have any computers or tablets or reliable WiFi access.

On September 25, a Discovery Coordinator ("Coordinator") for the defendants, who had been appointed on May 8, provided a detailed description of the Coordinator's efforts to assist defense counsel in accessing and reviewing the voluminous discovery materials provided by the Government to the Coordinator and to defense counsel. The Coordinator was appointed to assist defense counsel with respect to the discovery common to all defendants. At least some defense counsel have also sought assistance from the Coordinator with respect to discovery provided to the individual defendant but not all defendants. In early September, the Coordinator began individual sessions with defense counsel to assist them in accessing discovery.

On September 27, the Government described its production of discovery materials. It takes no position on the adjournment request. The Government made productions of Rule 16 material and other material to the defendants named in the original indictment on four dates between May 6 and July 31. These productions included all warrant applications and materials relating to post-arrest statements. The Government will be making further productions to the extent it is able to unlock more electronic devices or receives material from third parties.

The Government expects to produce all Rule 16 material relating to the superseding indictment by October 13.

On September 23, the Government and the Coordinator discussed discovery issues. It appears from the Coordinator's letter that one request remains outstanding. The Coordinator has asked for a copy of a particular software license from the Government. The Government represents that it stands ready to help the Coordinator and defense counsel should they require additional assistance.

As of today, the COVID-19 pandemic continues to have a profound impact on our nation and on our district. Jury trials in this courthouse recommenced this week for the first time since March 2020. Our jury assembly room and many courtrooms have been reconfigured to allow jury trials to proceed. Ultimately, the Foley Square courthouses will have six reconfigured courtrooms available for the conduct of criminal jury trials, with six additional reconfigured courtrooms available for jury deliberations in those cases. Because of the limitations on courtroom space, trials must be scheduled well in advance and are given priority on the basis of criteria established by the court. With rare exceptions, during the pandemic, the criminal jury trials in this district will proceed with no more than two defendants at a time.

The pandemic continues to pose a problem for communities across the country. New York State has imposed quarantine restrictions for visitors coming from many states. New York City is now experiencing an increase in COVID-19 cases. The future course of the pandemic remains uncertain. For all these reasons, it is hereby

ORDERED that the March 1, 2021 trial date is adjourned to **June 28, 2021**. Time under the Speedy Trial Act is excluded in the interest of justice from today until June 28, 2021, those interests outweighing the best interests of the defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). It is anticipated that any defendant who wishes to resolve the charges by entering a plea of guilty will confer with the Government and arrange with the Court to enter a plea no later than May 28, 2021.

IT IS FURTHER ORDERED that the time for the submission of defense motions is extended from November 11, 2020 to **February 19, 2021**. The Government's opposition shall be due **March 5, 2021**. This schedule does not include motions for severance, whose schedule is set forth below.

IT IS FURTHER ORDERED that defense counsel shall advise the Court by **February 5, 2021**, whether any defendant intends as of that date to proceed to trial.

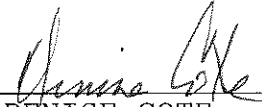
IT IS FURTHER ORDERED that each defense counsel shall promptly provide the defendant with a copy of this Order and discuss the schedule set forth herein. The trial date of June 28, 2021 is firm and will not move again. Any defendant requesting a change of counsel should do so now.

IT IS FURTHER ORDERED that the Government will advise the Court no later than **May 28, 2021** of which two defendants it wishes to bring to trial on June 28. Any motion by either of those defendants for a severance shall be filed by **June 4, 2021**.

IT IS FURTHER ORDERED that the parties' Voir Dire requests and Requests to Charge as they pertain to these two defendants are due **June 11, 2021**.

IT IS FURTHER ORDERED that a final pretrial conference will occur on **June 25, 2021** in Courtroom 18B, 500 Pearl Street, at **10 a.m.** The defendants proceeding to trial must be present in the courtroom for that conference.

Dated: New York, New York
October 1, 2020



DENISE COTE
United States District Judge